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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059677
Party	Defendant Aristocrat Technologies Australia Pty Lt d.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

WMS GAMING INC.	)	Cancellation No. 92059677
	)	
Petitioner,	)	
v.	)	Mark: THUNDER OF ZEUS
	)	Reg. No. 4,294,144
	)	
ARISTOCRAT TECHNOLOGIES AUSTRALIA	)	Mark: TEMPLE OF ZEUS
Pty Ltd.	)	Reg. No. 4,411,769
Registrant.	)	
	)	
	)	
	)	

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**ANSWER TO CONSOLIDATED PETITION FOR CANCELLATION**

Registrant, Aristocrat Technologies Australia Pty Ltd., an Australia entity, hereby answers the Consolidated Petition for Cancellation as follows:

In answering the Preamble, Registrant denies that Petitioner will be damaged by the registration of the Marks, THUNDER OF ZEUS and TEMPLE OF ZEUS.

In answering each paragraph set forth as the grounds for cancellation, Registrant alleges and pleads as follows:

1. Registrant is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in paragraph 1 of the Consolidated Petition for Cancellation and therefore denies the same.
2. Registrant is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in paragraph 2 of the Consolidated Petition for Cancellation and therefore denies the same.

3. Registrant is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in paragraph 3 of the Consolidated Petition for Cancellation and therefore denies the same.
4. Registrant is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in paragraph 4 of the Consolidated Petition for Cancellation and therefore denies the same.
5. Registrant admits to the allegations made in paragraph 5
6. Registrant lacks information to admit or to deny the allegations contained in paragraph 6, except Registrant admits that the goods and services listed in Registration number 4,294,144 include Electronic gaming machines, namely, devices which accept a wager.
7. Registrant admits to the allegations made in paragraph 7.
8. Registrant lacks information to admit or to deny the allegations contained in paragraph 8, except Registrant admits that the goods and services listed in Registration number 4,411,769 include Electronic gaming machines, namely, devices which accept a wager.
9. Registrant is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in paragraph 9 of the Consolidated Petition for Cancellation and therefore denies the same.
10. Registrant denies the allegations contained in paragraph 10.
11. Registrant denies the allegations contained in paragraph 11.
12. Registrant is without sufficient information to admit or to deny the allegations in paragraph 12.

13. Registrant is without sufficient information to admit or to deny the allegations in paragraph 13.
14. Registrant is without sufficient information to admit or to deny the allegations in paragraph 14.
15. Registrant is without sufficient information to admit or to deny the allegations in paragraph 15.
16. Registrant denies the allegations contained in paragraph 16. Registrant asserts that there is no likelihood of confusion, mistake or deception because, *inter alia*, Registrant's mark and the alleged mark of Petitioner are not confusingly similar.
17. Registrant is without sufficient information to admit or to deny the allegations in paragraph 17.
18. Registrant denies the allegations contained in paragraph 18.
19. Registrant denies the allegations contained in paragraph 19. Petitioner fails to assert facts sufficient to sustain a Cancellation.
20. Registrant is without sufficient information to admit or to deny the allegations in paragraph 20.

#### **AFFIRMATIVE DEFENSES**

21. The Consolidated Petition for Cancellation fails to state a claim against Registrant upon which relief may be granted.
22. Petitioner has not and will not be damaged by the registration of the trademark TEMPLE OF ZEUS and THUNDER OF ZEUS and therefore lacks standing to petition to cancel the registrations.

23. There is no likelihood of confusion, mistake, or deception in the marketplace between Registrant's mark and Petitioner's alleged mark as the marks are sufficiently dissimilar, and create unique and commercially different overall impression, such that any confusion in the market place is unlikely.
24. Registrant hereby incorporates by references those affirmative defenses enumerated in Rule 8 of the Federal Rules of Civil Procedure as if fully set forth herein. In the event further investigation or discovery reveals the applicability of any such defenses, Registrant reserves the right to seek leave of the Board to amend this Answer to Petition for Cancellation to specifically assert any such defense. Such defenses are herein incorporated by reference for the specific purpose of not waiving any such defenses.
25. As Registrant lacks sufficient knowledge or information to form a belief as to whether it may have additional separate or affirmative defenses not stated in this Answer, Registrant reserves the right to assert additional separate or affirmative defenses based on further discovery, investigation or analysis.

WHEREFORE, Registrant respectfully requests that the Cancellation be dismissed with prejudice.

Respectfully Submitted,




Dated: September 4, 2014

Abiola Shobola  
Intellectual Property Counsel  
Legal Department  
Aristocrat Technologies, Inc.  
7230 Amigo Street,  
Las Vegas, NV 89119

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing ANSWER TO CONSOLIDATED PETITION FOR CANCELLATION was served on counsel for Petitioner, by mailing said copy on September 4, 2014 via U.S. First Class Mail, postage prepaid to:

Theodore H. Davis Jr.  
Sabina A Vayner  
Kilpatrick Townsend & Stockton LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, GA 30309-4528  
United States


By:   
Abiola Shobola

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

It is hereby certified that the foregoing ANSWER TO CONSOLIDATED PETITION FOR CANCELLATION is being electronically filed with the United States Patent and Trademark Office:

Trademarks Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

on September 4, 2014.

By:   
Abiola Shobola